



PUBLIC NOTICE

Federal Communications Commission
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DA 10-2219

Released: November 19, 2010

COMMENT SOUGHT ON QWEST COMMUNICATIONS COMPANY, LLC
EMERGENCY APPLICATION FOR REVIEW OF THE
BLUEGRASS TELEPHONE COMPANY, INC. TARIFF

WC Docket No. 10-227

COMMENTS DUE: December 6, 2010

REPLY COMMENTS DUE: December 16, 2010

On October 14, 2010, the Pricing Policy Division of the Wireline Competition Bureau (Bureau) released a public notice, which denied petitions to suspend or investigate tariff revisions that had been filed by Bluegrass Telephone Company, Inc. (Bluegrass) and those tariff revisions were allowed to become effective.¹ On November 8, 2010, Qwest Communications Company, LLC (Qwest) filed an application for review of the *Bureau Order*.² On November 15, 2010, Sprint Communications Company L.P. (Sprint) filed an application for review of the *Bureau Order*.³ In its application, Qwest “requests an emergency grant of this Application because of the irreparable harm caused by the *Bureau [Order]*, which permitted Bluegrass to claim that the Tariff attained ‘deemed lawful’ status pursuant to Section 204(a)(3) of the Act.”⁴ Qwest also argues that the “*Bureau [Order]* did not adequately explain the Bureau’s reasons for denying the *Qwest Petition*.”⁵ Qwest “requests the Commission rule that the Bluegrass Tariff is not, in fact, ‘deemed lawful’ because it is essentially identical to a preceding effective tariff filing that did not qualify as a ‘deemed lawful’ tariff.”⁶ Sprint argues that the “Bureau committed reversible error in failing to grant the petitions to reject or suspend and investigate filed by Sprint and Qwest, or at least explain why the challenged tariffs would be eligible for deemed lawful status”⁷

Interested parties may file comments on the Qwest Application and/or the Sprint Application on

¹ See Protested Tariff Transmittals Action Taken, WCB/Pricing File No 10-10, Public Notice, DA 10-1970 (rel. Oct. 14, 2010) (*Bureau Order*).

² Qwest Communications Company, LLC, Application for Review, WC Docket No. 10-227, (filed Nov. 8, 2010) (Qwest Application).

³ Sprint Communications Company L.P., Application for Review, WC Docket No. 10-227, (filed Nov. 15, 2010) (Sprint Application).

⁴ Qwest Application at 9.

⁵ *Id.* at 12.

⁶ *Id.* at 3.

⁷ Sprint Application at 5.

or before **December 6, 2010** and reply comments on or before **December 16, 2010**. Filings in this proceeding should be filed in **WC Docket No. 10-227**.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Pamela Arluk, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A131, Washington, DC 20554 or via e-mail at pamela.arluk@fcc.gov. One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8 a.m. to 7 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

This Public Notice establishes certain procedural requirements relating to consideration of the petition for preemption. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁹ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.¹⁰

For further information, contact Pamela Arluk of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or via e-mail at pamela.arluk@fcc.gov.

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⁸ See 47 C.F.R. §§ 1.1200, 1.1206.

⁹ See 47 C.F.R. § 1.1206(b).

¹⁰ See *id.*